

REMARKS

Initially, applicants respectfully request that the Examiner withdraw the finality of the Action. The Examiner has asserted that applicants' previous amendments necessitated the new grounds, however applicants respectfully submit the new grounds for rejection were necessitated by the Examiners initial citation of Shintani, which was not prior art with respect to this application.

Claims 11-14 stand rejected under 35 USC 112, first paragraph. Applicants have amended claim 11 to remove the recitation of generating one or more HTML files based on one or more "XML" files, thereby mooted the rejection.

Claims 1-20 stand rejected under 35 USC 103(a) on Blacketter (U.S. Patent Publication No. 2002/0056129) in view of Leak (U.S. Patent No. 6,668,378). Applicants respectfully traverse this rejection.

Claim 1 recites, "establishing a communication link between a server and said set-top box; receiving instructions at the set-top box for identifying a type of said set-top box; forming a request for said enhanced content from said server based on the type of set-top box; and receiving enhanced content at said set-top box to generate an enhanced display." Neither Blacketter nor Leak, alone or in combination discloses such features. The Examiner has conceded that Blacketter fails to disclose the quoted features, and has instead relied on the disclosure of Leak.

Leak discloses a system wherein two triggers are sent either simultaneously or staggered in time from a satellite to various receivers. Leak explains that because some receivers are internet equipped and some are not (Leak refers to these receivers as "connected" and "disconnected", respectively), a problem existed in the prior art that non-internet equipped receivers were prone to errors resulting from trying to display enhanced content that required an internet connection. To solve this problem, Leak discloses sending separate triggers; a trigger having content for connected receivers, and a trigger having content for disconnected receivers. In one embodiment of Leak, each receiver receives both triggers, but only executes the trigger having content that matches the

receiver's state of connectivity; in other words, connected receivers execute connected triggers while disconnected receivers execute disconnected triggers. In the second embodiment of Leak, a first trigger is sent to all of the receivers that is executed only by connected receivers, then a second trigger is sent which is executed by all of the receivers.

Leak does not disclose or suggest "receiving instructions at the set-top box for identifying a type of said set-top box" as recited in claim 1. The receivers of Leak are either connected or disconnected; Leak does not disclose any instructions related to identifying the type of receiver. In Leak, there is no need to identify the type of receiver that is receiving a trigger because the receiver itself determines which trigger to execute. Connected receivers execute connected triggers and disconnected receivers execute disconnected triggers, there is no disclosure that suggests the type of receiver needs to be identified.

Furthermore, Leak does not disclose or suggest "forming a request for said enhanced content from said server based on the type of set-top box." Leak discloses a system wherein connected receivers can download enhanced content from a server and disconnected servers cannot. Accordingly, if a request is sent to a server, it is necessarily sent from a connected receiver and only contains a request to download the available enhanced content. The requested enhanced content does not in anyway depend on the type of receiver because the only other "type" of receiver is a disconnected receiver which by definition cannot request enhanced content from the server (because it is disconnected).

Accordingly, claim 1 is allowable over the combination of Blacketter and Leak. Claims 7, 11 and 15 recite features substantially similar to those discussed above in that they recite sending information from a set-top box to a receiver to indicate a type of set-top box being used. Consequently, claims 7, 11 and 15 are allowable for at least the foregoing reasons. Claims 2-6, 8-10, 12-14 and 16-20 depend from allowable claims and are therefore allowable due at least to their respective dependencies.

Claims 11-14 stand further rejected under 35USC 103(a) on Blackketter and Leak in further view of Call (U.S. Patent No. 6,418,441). Applicants respectfully traverse this rejection. Call fails to overcome the deficiencies of the combination of Blackketter and Leak as discussed above. Call does not disclose or suggest "sending a signal from said set-top box to said server through said communication link; decoding a signal header at said server to establish said set-top box type" and/or "based on the decoded signal header, establishing said set-top box type" as recited in claim 11. As discussed above, neither Blackketter nor Leak disclose sending a signal from a set-top box which is used to identify the type of set-top box being used. Call does not disclose or suggest these features, nor has the Examiner cited Call as doing so. Consequently, claim 11 is allowable. Claims 12-14 depend from allowable claims and are therefore allowable due at least to their respective dependencies.

Applicant solicits an early action allowing the claims.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief, including extensions of time, and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **577172002400**.

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